IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1373 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

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SARMANBHAI GIGABHAI - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
THROUGH JAIL for Applicant(s) : 1,
MR DIPEN DESAI ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 03/08/2007

ORAL JUDGMENT :

1. Rule. Learned A.G.P. Mr.Dipen Desai waives service of Rule for respondents.

2. The petitioner has approached this Court through jail upon rejection of his application for parole for a period of 30 days for the purpose of filing an appeal before the Supreme Court. The application of the applicant was rejected by Additional District Magistrate, Rajkot only on the basis of opinion of District Superintendent of Police, Junagadh and it is nowhere revealed what the opinion of D.S.P. was. It appears from the record of jail that the applicant had already undergone imprisonment for more than four years and, after completion of his term of imprisonment, he was out of jail for a period of 194 days after which he had to be imprisoned again because of enhancement of sentence. He has been released on furlough leave on three occasions in the last three years and he has returned in time and his behaviour in jail is reported to be good.

2. Therefore, in the above facts and circumstances, petition is allowed with the direction that the petitioner shall be released on parole for a period of 30 days on appropriate conditions. Rule is made absolute.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)